

SERVICE DATE – LATE RELEASE MARCH 10, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-31 (Sub-No. 40X)

GRAND TRUNK WESTERN RAILROAD INCORPORATED—ABANDONMENT
EXEMPTION—IN GENESEE COUNTY, MI

Decided: March 10, 2006

Grand Trunk Western Railroad Incorporated (GTW) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its line of railroad, the Flint Old Main, between milepost 265.3 and milepost 267.5, in Flint, Genesee County, MI, a distance of 2.2 miles. Notice of the exemption was served and published in the Federal Register on February 9, 2006 (71 FR 6843-44). The exemption is scheduled to become effective on March 11, 2006.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment in this proceeding on February 14, 2006. In the EA, SEA states that the U.S. Environmental Protection Agency, Region 5 (USEPA), is concerned about potential environmental impacts that may occur as a result of the proposed abandonment. To mitigate these potential impacts, USEPA recommends that GTW ensure that rail steel, crossties, and signal housing that may be removed during salvage activities are appropriately disposed of in non-hazardous waste sites and that GTW take appropriate measures to address potential runoff of silt and other materials that may leach into nearby wetlands during salvage operations. In the EA, SEA also notes that USEPA is concerned about the future disposition of the two railroad bridges located within the project area. SEA states that it contacted GTW and, according to a spokesperson for GTW, both bridges are located over roadways and do not have the potential to impact wetlands or waterways. The spokesperson for GTW also noted that GTW intends to maintain the bridges in safe working condition, as specified by local and state law. However, to ensure that USEPA's concerns are appropriately addressed, SEA recommends that GTW consult with USEPA (Norm West, 312-353-5692) prior to initiating salvaging activities.

SEA also states in the EA that, at the time the EA was prepared, the U.S. Army of Engineers (Corps) had not responded to GTW's request for assistance in identifying any designated wetlands or 100-year floodplains that could be affected by the proposed abandonment. Accordingly, SEA recommends that, prior to commencement of any salvage activities, GTW consult with the Corps to determine whether a permit under section 404 of the Clean Water Act (33 U.S.C. 1344) is required.

In the EA, SEA further states that the Michigan Department of Environmental Quality (MDEQ) has identified wetlands near the rail line, at its intersection with Linden Road, and also in an area east of Dutcher Street. SEA notes that MDEQ has advised GTW that it would need to

comply with MDEQ permitting requirements prior to excavating, filling, or draining any protected wetlands. According to SEA, GTW has indicated that it does not intend to engage in any actions that would impact the wetlands, and that it will confine salvage activities to within the proposed abandonment right-of-way. SEA, however, recommends that, prior to commencement of salvage activities, GTW consult with MDEQ (Christopher Clampitt, 517-335-6273) regarding potential impacts to wetlands. SEA notes that MDEQ indicated to GTW that the area of the proposed abandonment lies outside of Michigan's coastal management boundary, and therefore, any salvage activities associated with the proposed abandonment would not affect any land or water uses in coastal areas.

Finally, SEA states in the EA that the Michigan Department of Transportation (MDOT) has provided comments to GTW regarding potential impacts that could result from the proposed abandonment, and that MDOT has indicated that the project area is in close proximity to a local park and wetlands. In addition, MDOT notes that there may be contaminated soils from I-75 and Leaky Underground Storage Tank sites near Corunna Road. Accordingly, SEA recommends that GTW, prior to commencement of salvage activities, consult with MDOT (Melvin Williams, 517-373-6494) regarding MDOT's concerns.

Comments to the EA were due by March 1, 2006. No comments to the EA were received. However, SEA had noted in the EA that the U.S. Department of Commerce, National Geodetic Survey (NGS), had not advised SEA regarding any geodetic station markers that may be affected by the proposed abandonment. On March 7, 2006, SEA contacted NGS. NGS advised SEA that it had not had the opportunity to respond due to a change in staffing, and that it would contact SEA within the next couple of weeks. Based on this information, SEA, therefore, recommends that a new condition be imposed, requiring that GTW, prior to commencement of any salvage activities, consult with NGS to determine if any geodetic station markers are identified that may be affected by the proposed abandonment. In the event that any geodetic station markers are identified, GTW shall be required to notify NGS 90 days prior to conducting salvage activities so that plans can be made for their possible relocation, and to report the results of these findings in writing to SEA. Accordingly, the environmental conditions recommended by SEA in the EA and the new condition recommended by SEA will be imposed. Based on SEA's recommendations, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the rail line described above is subject to the conditions that, prior to commencement of any salvage activities, GTW: (1) consult with USEPA (Norm West, 312-353-5692) to ensure that USEPA's concerns about wetlands and the disposition of bridges are appropriately addressed; (2) consult with the Corps to

determine whether a permit under section 404 of the Clean Water Act (33 U.S.C. 1344) is required; (3) consult with MDEQ (Christopher Clampitt, 517-335-6273) regarding potential impacts to wetlands; (4) consult with MDOT (Melvin Williams, 517-373-6494) regarding MDOT's concerns about nearby wetlands and possible soil contamination from I-75 and Leaky Underground Storage Tank sites near Corunna Road; and (5) consult with NGS to determine if any geodetic station markers are identified that may be affected by the proposed abandonment, and in the event any are identified, notify NGS 90 days prior to conducting salvage activities so that plans can be made for the possible relocation of the station markers , and report the results of these findings in writing to SEA.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary